

# FISCAL NOTE

**Bill #:** SB0035

**Title:** Representation for indigent parents in child abuse and neglect cases

**Primary Sponsor:** Esp, J

**Status:** As Introduced

Sponsor signature	Date	David Ewer, Budget Director	Date
-------------------	------	-----------------------------	------

## Fiscal Summary

	<b><u>FY 2006 Difference</u></b>	<b><u>FY 2007 Difference</u></b>
<b>Expenditures:</b>		
General Fund	\$209,508	\$209,508
<b>Revenue:</b>		
General Fund	\$0	\$0
<b>Net Impact on General Fund Balance:</b>	(\$209,508)	(\$209,508)

- |                                                                                                                                                                                 |                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov. Impact<br><input type="checkbox"/> Included in the Executive Budget<br><input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns<br><input checked="" type="checkbox"/> Significant Long-Term Impacts<br><input checked="" type="checkbox"/> Needs to be included in HB 2 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Fiscal Analysis

### ASSUMPTIONS:

1. The Judiciary used case filing data for cases filed pursuant to 41-3-422, MCA, from the first 6 months of FY 2004 and doubled the filings to estimate a full fiscal year.
2. Currently the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> Judicial Districts as well as some counties in the 7<sup>th</sup> and 12<sup>th</sup> Judicial Districts appoint counsel immediately. The cost in FY 2004 for public defender representation of the parents in these cases was \$533,213. There were 241 filings in the first 6 months of FY 2004 in these districts. The average cost per case was \$1,106.  $\$533,213 / (241 \times 2)$ .
3. The cost in FY 2004 for public defender representation of the parents in Judicial Districts which don't appoint counsel immediately was \$279,360. There were 221 cases filed in the first 6 months of FY 2004 in the Judicial Districts where counsel was appointed at either the adjudication or dispositional hearing stage of the process. The average cost per case was \$632.  $\$279,360 / (221 \times 2)$ .
4. The total increased cost is estimated at \$209,508 per year.  $(\$1,106 - \$632) \times (221 \times 2)$ .

**Fiscal Note Request SB0035, As Introduced**

(continued)

**FISCAL IMPACT:**

	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$209,508	\$209,508
<u>Funding of Expenditures:</u>		
General Fund (01)	\$209,508	\$209,508
<u>Revenues:</u>		
General Fund (01)	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$209,508)	(\$209,508)